

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DARIUS QUINARD CARLISLE,

Petitioner,

v.

CIVIL ACTION NO. 2:08-00010

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION

Pending before the court is the petitioner's Petition for Writ of Habeas Corpus Ad Documentary Evidence under 28 U.S.C. § 2247. (Doc. No. 1.) By Standing Order entered August 1, 2006, and filed in this case on January 8, 2008, this matter was referred to United States Magistrate Judge Mary E. Stanley. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge Stanley to submit proposed findings and recommendation concerning the disposition of this matter. On March 17, 2008, Magistrate Judge Stanley submitted her Proposed Findings and Recommendation ("PF & R") recommending that this court (1) confirm and accept the factual and legal analysis contained therein; (2) deny the petitioner's petition; and (3) direct the Clerk to remove this matter from the court's docket. (Doc. No. 3.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's PF & R. Under § 636(b), the failure of any party to file objections within the appropriate time frame constitutes a waiver of that party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). The petitioner filed objections on April 2, 2008. (Doc. No. 4.)

This court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In the instant case, the petitioner's objections are incoherent. He has provided no argument that 28 U.S.C. § 2247 provides him with a right to obtain evidence supporting his guilty pleas and sentence. The court must therefore overrule the petitioner's objections pursuant to Orpiano, 687 F.2d at 47, as they are wholly unresponsive to the PF & R.

Having reviewed the PF & R filed by Magistrate Judge Stanley, the court (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis within the magistrate judge's PF & R (Doc. No. 3) and (2) **DENIES** petitioner's Petition for Writ of Habeas Corpus Ad Documentary Evidence under 28 U.S.C. § 2247 (Doc. No. 1.).

The Clerk is directed to remove this action from the active docket of this court. The Clerk is further directed to forward copies of this Memorandum Opinion to petitioner, pro se, and to all counsel of record.

It is **SO ORDERED** this 29th day of August, 2008.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
United States District Judge